RE: John Root Appeal Case 2023-092

1322 LITTLE HAMILTON AVE

Map Parcel: 10507016000

Zoning Classification: CS/OV-UZO Council District: 17

## **ORDER**

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception from front setback requirements. The appellant is seeking to construct two non-residential buildings.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 C of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Ransom

Result: 4-0

Ayes: Members Davis, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec

RE: **Prestige Remodeling Soultions** Appeal Case 2023-118

2409 EDEN ST

Map Parcel: 09203020100

Zoning Classification: Council District: RS5/OV-UZO/OV-DDU 21

# **ORDER**

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in street setback requirements. The appellant is seeking to construct a patio.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant failed to establish a hardship.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DENIED.

UPON MOTION BY: Mr. Lawless Seconded By: Ms. Davis

Result: 4-0

Members Davis, Lawless, Pepper, and Ransom Ayes:

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec

RE: B&D Development Group Appeal Case 2023-123

2216 14TH AVE N

Map Parcel: 08103016000

Zoning Classification: R6/OV-UZO Council District: 2

## **ORDER**

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the side street setback to 8 feet. The appellant is seeking to construct a single family home.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Ransom

Result: 4-0

Ayes: Members Davis, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec

RE: C&H Properties, LLC Appeal Case 2023-126

127 KINGSTON ST

Map Parcel: 07103011300

Zoning Classification: RS5/OV-FLD Council District: 5

# <u>ORDER</u>

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback to 6.2 feet. The appellant is seeking to construct a single family home.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Ransom

Result: 4-0

Ayes: Members Davis, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec

RE: Christopher Dale Lacy Appeal Case 2023-127

3852B SAUNDERS AVE

Map Parcel: 06110011000

Zoning Classification: RS15 Council District: 7

# <u>ORDER</u>

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in maximum square footage to allow a 1,200 square foot rear accessory structure. The appellant is seeking to construct a detached garage.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant failed to establish a hardship.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DENIED.

UPON MOTION BY: Ms. Davis Seconded By: Mr. Lawless

Result: 4-0

Ayes: Members Davis, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec

RE: Anna Hale Sitzler Appeal Case 2023-128

135 46TH AVE N

Map Parcel: 10304047100

Zoning Classification: R6, UZO Council District: 24

# <u>ORDER</u>

This matter came to be heard in public hearing before the Metropolitan Board of Zoning Appeals on 10/19/2022, upon a request to reduce the street setback from 40' to 20' to construct a single family home.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

At the close of the public hearing, a motion to approve was tied on vote as follows: Ayes (3): Bradford, Cole, and Lawless; Noes (3): Davis, Karpynec, and Ransom; Absent (1): Pepper. The matter was deferred to 11/2/2023 pursuant to Metropolitan Code Section 17.40.240.

Mr. Pepper was present on 11/2/2023, and confirmed that he had reviewed the record and had watched the public hearing video, and thereupon voted "Aye."

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Bradford Seconded By: Mr. Cole

Result: 4-3

Ayes: Members Bradford, Cole, Lawless, and Pepper

Nays: Davis, Karpynec, and Ransom

Abstaining: Absent:

RE: Phillip Marceta Appeal Case 2023-129

131 KINGSTON ST

Map Parcel: 07103016400

Zoning Classification: RS10/OV-FLD Council District: 5

# **ORDER**

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street and garage door setbacks to 7 feet. The appellant is seeking to construct a single family home.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Ransom

Result: 4-0

Ayes: Members Davis, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec

RE: Mike Sekelsky Appeal Case 2023-140

3805 DR WALTER S DAVIS BLVD

Map Parcel: 09104000300

Zoning Classification: R6/OV-UZO Council District: 21

# <u>ORDER</u>

This matter came to be heard in public hearing on 11/2/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in driveway separation distance to permit two driveways within less than 150 feet of street frontage. The appellant is seeking to construct a driveway.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Ransom

Result: 4-0

Ayes: Members Davis, Lawless, Pepper, and Ransom

Nays:

Abstaining:

Absent: Members Bradford, Cole, and Karpynec